

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DERRICK FONTROY,)	
)	
Plaintiff,)	
)	Civil Action No. 09-303 Erie
v.)	
)	
MICHAEL TURNER, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This action was received by the Clerk of Court on November 30, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 96], filed on January 13, 2012, recommended that the action be dismissed with prejudice pursuant to Fed.R.Civ.P. 41(b) due to Plaintiff's failure to prosecute this case. The parties were allowed fourteen (14) days from the date of service to file objections. On January 30, 2012, the Magistrate Judge granted the Plaintiff an extension of time until February 21, 2012 in which to file objections but informed him that no further extensions of time would be permitted. See Text Order entered January 30, 2012. On January 23, 2012, Plaintiff's second request for an extension of time in which to file objections [ECF No. 98] was denied by the Magistrate Judge on January 24, 2012. [ECF No. 99]. No objections have been filed. After de novo review of the documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 27th day of February, 2012;

IT IS HEREBY ORDERED that the action is DISMISSED with prejudice pursuant to Fed.R.Civ.P. 41(b) due to Plaintiff's failure to prosecute this case.

The Report and Recommendation [ECF No. 96] of Magistrate Judge Baxter, filed on January 13, 2012 is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge